

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Stoltenberg Allotment
Revise AMP & Issue
Grazing Permit

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0124-EA

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
406-233-2800

BLM



PROPOSED ACTION: The proposed action is to revise the allotment management plan and issue a grazing permit for the Stoltenberg Allotment. The term of the permit will be for ten years May 1, 2013 through April 30, 2023. The permit will be issued as follows:

GR #2503918

Allotment Name	Allotment Number	Livestock		Grazing Period		% PL	Type Use	AUMs
		Number	Kind	Begin	End			
Stoltenberg	10677	70	Cattle	06/01	08/31	100	Active	212

Total Active AUMs: 212

Terms and Conditions:

Line 1: Grazing use in accordance with the revised Ute Activity Plan as amended in the grazing decision signed May 2013 for DOI-BLM-MT-C020-2013-0124-EA.

Actual use must be submitted 15 days after the end of the grazing season, or permittee will be billed for the full preference and actual use must still be submitted.

Livestock would continue to utilize the allotment on a one pasture deferred rotation according to the Ute Activity Plan, with an earlier turn-in date and change in number of livestock.

	# Livestock	Pasture
Even Years	150	6/1 – 7/13
Odd Years	150	7/10 – 8/21



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301-7000
www.blm.gov/mt

In Reply Refer To:
4100 (4160.1)
GR# 2503918

July 08, 2013

Ty & Rachael O'Connor
Box 23 Highway 7
Ekalaka, MT 59324

Certified Mail No: 70113500000345173538
Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

The Stoltenberg Allotment (#10677) is located approximately 20 miles south of Ekalaka, Montana in Carter County. The Stoltenberg Allotment consists of 1,258 acres of land managed by the BLM containing 212 AUMs of authorized active use. There are 1,360 acres of private lands.

The allotment was assessed for and met Land Health Standards in 1999. Subsequent field visits, monitoring, re-assessments indicate the allotment continues to meet the Standards.

In January 2013, Ty and Rachael O'Connor submitted to the Miles City BLM Field Office an application for a change of season-of-use for the grazing permit #2503918. The applicant has provided a valid deed showing control of the base property for the permitted use within the Stoltenberg allotment. All required forms have been submitted and accepted by the Miles City Field Office.

In April 2013, a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-C020-2013-0124-EA) to analyze the issuance of the grazing permit to Ty & Rachael O'Connor for the above mentioned allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on 5/31/2013.

PROPOSED DECISION

Therefore, it is my proposed decision to select the proposed action, as contained within the EA (DOI-BLM-MT-C020-2013-0124-EA), to issue a grazing permit to Ty & Rachael O'Connor for the Stoltenberg Allotment. The term of the permit will be for ten years May 1, 2013 through February 28, 2023. The permit will be issued as follows:

GR #2503918

Allotment Name	Allotment Number	Livestock		Grazing Period		% PL	Type Use	AUMs
		Number	Kind	Begin	End			
Stoltenberg	10677	70	Cattle	06/01	08/31	100	Active	212
	10677	2	Cattle	06/01	08/07	100	Custodial	4

Total Active AUMs: 212

Terms and Conditions:

Line 1: Grazing use in accordance with the revised Ute Activity Plan as amended in the grazing decision signed May 30, 2013 for DOI-BLM-MT-C020-2013-0124-EA.

Line 2: Exchange of Use T.1S R.58E Sec.24; Used by Allotment 10677, paid for by Allotment 01575.

Actual use must be submitted 15 days after the end of the grazing season, or permittee will be billed for the full preference and actual use must still be submitted.

Livestock would continue to utilize the allotment on a one pasture deferred rotation according to the Ute Activity Plan, with an earlier turn-in date and change in number of livestock.

	# Livestock	Pasture
Even Years	150	6/1 – 7/13
Odd Years	150	7/10 – 8/21

RATIONALE

The issuance of the grazing permit is provided through a deed showing control of the base property for this allotment being submitted to the BLM. The deed contained the legal descriptions of the base property associated with this allotment.

Upon receiving all forms, the Miles City BLM Field Office interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-C020-2013-0124-EA) to analyze the issuance of the grazing permit for the allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on May 31, 2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that Ty & Rachael O'Connor meet the qualifications to be an applicant to hold the grazing permit. The issuance of the permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2.

AUTHORITY

The following sections of the Code of Federal Regulations, Chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf

§4110.1 Mandatory qualifications

§4110.2-1 Base property.

§4110.2-2 Specifying permitted use.

§4130.2 Grazing permits or leases

§ 4120.2 Allotment management plans and resource activity plans.

§ 4120.3–2 Cooperative range improvement agreements.

§4130.3 Terms and conditions

§4130.3-1 Mandatory terms and conditions

§4130.3-2 Other terms and conditions

§4130.3-3 Modification of permits and leases

§4160.1 Proposed decisions

§4160.2 Protests

§4160.3 Final decisions

§4160.4 Appeals

RIGHT OF PROTEST AND APPEAL

Protest:

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Manager
Bureau of Land Management, Miles City Field Office
111 Garryowen Road
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice. A written protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a protest. A written protest must be on paper.

Appeal:

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21 9 and 43 CFR 4.471, pending final determination of an appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4).

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470, which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits.
- 3) The likelihood of immediate and irreparable harm if the stay is not granted.
- 4) Whether the public interest favors granting the stay.

ENCLOSURES FOR REPLY

Find enclosed 2 copies of your grazing permit. Please sign both copies and promptly return them both to the Miles City Field Office. Once officially signed by the Authorized Officer, you will be provided with a signed copy for your records.

Also enclosed is copy of your BLM allotment map. Please review the enclosed map and notify this office of any inaccuracies. Please mark fenceline locations and return the edited map to this office.

If you have any questions on this document or would like to discuss your allotment map, please contact Matt Lewin, Rangeland Management Specialist at (406) 233-2834 or Reyer Rens, Supervisory Rangeland Management Specialist at (406) 233-2866.

Sincerely,



Todd D. Yeager
Field Manager, Miles City Field
Office

Enclosed:
BLM Grazing Permit (2 copies)
Allotment Map
(Please sign and return to the Miles City Field Office)

cc: Rebecca McCable
890 Highway 323
Ekalaka, MT 59324

Certified Mail No: 70113500000345173545
Return Receipt Requested